

Minutes of the Plan Commission – Town of Spring Green

September 12, 2017 - Spring Green Town Hall, E4411 Kennedy Road, Spring Green, WI 53588

Attendees: Brent Clarson, Kevin Lins

- 1. Meeting called to order by Iausly at 7:02 pm.**
- 2. Roll call** Plan Commission members present: Fred Iausly, Carla Carmody, Michelle Thomas, Nate Robson, Kolby Hirth; absent: None
- 3. Iausly attested that proper public notice had been made.**
- 4. Motion approving minutes for the last meeting by Thomas, seconded by Carmody,** with correction of the spelling of Brian Frank. **Motion carried.**
- 5. Motion approving agenda as posted by Robson, seconded by Carmody. Motion carried.**
- 6. Updates & Communications:**
 - **JEZC requirements for a zoning permit**

The commission was updated that in upcoming meeting(s), the JEZC will continue discussion of updating the village zoning ordinance for obtaining a zoning permit within the extraterritorial zone (ET) in the Township.

At the August meeting, town representatives on the JEZC put forth the opinion that prior to issuance of a zoning permit within the ET, the applicant should have the driveway permit from the Town and it should be part of the packet review prior to considering a zoning permit by the village within the ET.

As the village ordinance is currently written, a land use (zoning) permit within the ET requires a septic permit and issuance of a fire number from the County, a riverway permit from Lower Wisconsin State Riverway Board, if applicable, and verification the building site is outside the floodplain; it does not include the Town's driveway permit review prior to issuance of village zoning permit. At the July JEZC meeting it was explicitly noted by both Town and village representatives that the village ordinance is "seriously flawed" for several reasons.

Everywhere else in the Township a driveway permit is required prior to issuance of a land use (building) permit; and that the village zoning ordinance within the ET, as currently written, poses a problem of unequal and unfair requirements within the Township. Robson remarked that in 2008 he needed a driveway permit, which was signed by former Town Chairman Ruetten, prior to obtaining a building permit for his home within the Township. Lins commented that earlier this summer the Township required a driveway to come into compliance with ordinance prior to signing a CSM and the Inspector issuing occupancy permit.

It was also noted that there is no means of enforcement of the occupancy requirement of ≤ 9 mo/yr [e.g. seasonal recreational], it is an unregulated condition with no means of enforcement, compliance is based solely on complaints, there is no tool to deal with complaints, and there are no penalties.

Hirth relayed that at the August JEZC meeting she asked for town and village representatives to summarize their thinking prior to moving on to the next agenda item and that she recapped the unfair and unequal treatment within the Town for single family residential. Hirth relayed that Greg Prem, village representative, said they wanted to avoid animosity and hard feelings and preferred that the Town negotiate with the applicants. Hirth relayed this seemed to be arbitrary and capricious and that upcoming JEZC meetings will continue to include this issue as an agenda item.

Lins relayed that he received a phone call from the Mary Peterzak after they submitted a building permit application to the Inspector and were referred to the Town Board for a driveway permit. Lins relayed that he told Mary that they could bring the existing shared drive up to standards of a Town Road, in which case it would require Plan Commission review, or ask the Town Board for a waiver. Lins relayed that he invited Mary to submit all of her comments/arguments in writing and he would submit them to the Town attorney for review. Lins also relayed that he assured the Peterzaks that this course of action was not intended as a personal affront, and that his obligation as Chairman was to be fair and equitable and act within legal bounds.

Robson reported that he had been selected as the Peterzak's general contractor and announced that he would recuse himself from the Plan Commission on this matter. He also stated that he would be speaking on behalf of the Peterzak's if this came to the Plan Commission.

- **Broadband grant application update**

Iausly reported that the Broadband (BB) committee is still waiting to hear back from the Public Service commission with evaluation comments on the Town's grant application, which did not win award. The BB committee will assess the comments and prepare for the next call for grant applications in early 2018.

7. Business Items:

- a. **CSM: Brent Clarson combining lots 20, 21 & 22 of W.W. Kitchens Addition, on Richland Road**

A draft Certified Survey Map (CSM) combining three lots, all designated as parcel #032-1542-10000, was reviewed. Robson noted that the total acreage of the parcel is 0.77 acre. Iausly confirmed that the Town land division/subdivision ordinance requires parcels ≥ 1 acre, but Mr. Clarson is combining, rather than subdividing, lots. It was noted that Mr. Clarson could not build on individual lots because he would have to divide the parcel, but the individual lots do not meet the minimum acreage required by Town ordinance. Furthermore, annexation into Lone Rock to comply with small residential zoning is not feasible due to difficulties with cross-county annexation and because the underlying subdivision would require creation of a new plat. The CSM remedies the problem of underlying lots in this parcel and complies with the County's interest that a structure not be erected on any underlying division.

Thomas noted that the undeveloped road had been vacated and was included in the CSM. Lins asked if there were undeveloped roads in the Kitchen's Addition,

like in the Allen's Addition. Iausly confirmed the situation was similar in both of these very old plats. It was noted that other parcels in this subdivision are also comprised of 3 or 4 ¼-acre lots, and Mr. Clarson's CSM would clean up this particular parcel.

Mr. Clarson said he plans to erect a pole shed for storage. Iausly noted that it is an acceptable use without a primary residence in the Ag zoning, with no septic or water. Mr. Clarson will need a driveway permit and building prior to building because he is hooking up electricity.

Robson moved and Camody seconded recommendation to the Town Board approval of the CSM. Iausly advised Mr. Clarson to bring a final CSM to the Oct. 5 Town Board meeting for approval and Lins' signature.

a. Comprehensive Plan update

Element 7: Land use was discussed primarily in reference to Planned Unit Development (PUD) objectives. Iausly explained that the PUD is intended to allow the land owner to still get some development value from the land while maintaining Ag usage on the majority of the Ag parcel, instead of requiring each Ag residential parcel to be a minimum of 35 acres per Resource Conservancy zoning. This permits the landowner to benefit from some degree of development while minimizing conversion of productive agricultural lands in exchange for a conservation easement on the remaining balance, which is recorded with the County Register of Deeds. The concepts of clustering the PUD lots (so as to minimize conflict between residential and Ag) and density credit exchanges were generally discussed. Discussion will continue in future meetings.

8. Public Comment: none

9. Next Meeting Date: October 10, 2017 at 7:00 pm.

10. Adjournment: Motion to adjourn by Iausly, seconded by Carmody at 8:58 pm. Motion carried.

(Kolby Hirth, Secretary)

(Fred Iausly, Chairperson)